

# TENNESSEE REGULATORY AUTHORITY

Lynn Greer, Chairman  
Sara Kyle, Director  
Melvin Malone, Director



460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

## NOTICE OF HEARING ON THE MERITS OF THE CASE, PHASE 1

**DOCKET:** 97-00888

**IN RE:** Universal Service Generic Contested Case, Phase 1.

**DATE:** December 8-12, 1997 at 9:00 AM

This Hearing in the above-captioned proceeding was scheduled by Notice dated November 26, 1997, for the purpose of taking testimony from witnesses, and determining evidence in the case for Phase 1 of the Universal Service Proceeding.

This Hearing is being conducted, before the Tennessee Regulatory Authority, Chairman H. Lynn Greer, Jr., Director Sara Kyle, and Director Melvin J. Malone, in the Hearing Room at the Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville, Tennessee. All parties are entitled to be represented by counsel.

Attached to this Notice is an Agreed Order allowing the Staff to participate in the Hearing while remaining in an advisory role to the Authority. As with other Universal Service Dockets, the Authority requests that you agree to allow this participation by signing a company signature line on the Order and returning the signature portion of the document to General Counsel Dennis McNamee by December 5, 1997.

The following Parties to the Universal Service Docket 97-00888 are specifically requested to sign the Agreed Order attached to this Notice permitting questions from the Staff during the Hearing on the Merits: AT&T Communications of the South Central States, Inc., BellSouth Cellular Corp., BellSouth Telecommunications, Inc., Coalition of Small LECs and Cooperatives, Office of the Attorney General Consumer Advocate Division, GTE Mobilnet, MCI Telecommunications Corp., NEXTLINK Tennessee, Time Warner Communications of the Mid-South, United Telephone-Southeast and Sprint Communications L.P., West Kentucky Rural Telephone Cooperative Corp., the Tennessee Municipal Telecommunications Group, and TCG MidSouth, Inc., and the Tennessee Department of Environment and Conservation. If there are any other Parties, active in this docket, who anticipate presenting witnesses and cross examining the witnesses of the other parties the Authority also requests that they sign the Agreed Order.

FOR THE TENNESSEE REGULATORY AUTHORITY:

  
K. David Waddell, Executive Secretary

cc: Parties of Record

# TENNESSEE REGULATORY AUTHORITY

Lynn Greer, Chairman  
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Nashville, Tennessee 37243-0505

## NOTICE OF PHASE 1 HEARING SCHEDULING WORKSHOP

**DOCKET:** 97-00888

**IN RE:** Universal Service Generic Contested Case, Phase 1.

**DATE:** Wednesday, December 3, 1997 at 1:30 PM.

The Phase 1 Hearing in this matter has a maximum scheduling time allotment of five working days. Therefore, this Workshop, in the above-captioned proceeding, is being held for the purpose of maximizing the efficiency of the Hearing by: determining the order of appearance of each Party in the case, scheduling appearances of witnesses, effective use of time for cross examination, opening and closing statements (if necessary) and presentation of additional direct testimony. This Workshop will be held in the Hearing Room of the Tennessee Regulatory Authority on the ground floor, 460 James Robertson Parkway, Nashville, Tennessee.

The Parties should advise the technical staff (Dr. Austin Lyons office) of any special audio-visual requirements for their presentations at the Hearing on the Merits of the case by December 3, 1997 at 12:00 PM. At this time the Authority anticipates allocating adequate time for the presentation of witnesses, and time to each Party for the cross examination of each other Party's individual witness. The Authority will attempt, on behalf of the Parties, to schedule days on which the least number of witness conflicts with other state hearings, will occur. There will be a one hour break for lunch each day at an hour approximating 12:00 PM, and individual recesses will be at the discretion of the Authority.

Parties should be advised that Hearings on this matter may run longer than the standard work day. The Parties are also advised that the Hearing should be concluded by 5:00 P.M. on December 12, 1997.

FOR THE TENNESSEE REGULATORY AUTHORITY:

  
K. David Waddell, Executive Secretary

CC: Parties of Record

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**IN RE: UNIVERSAL SERVICE  
GENERIC CONTESTED CASE**

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) **DOCKET NO. 97-00888**  
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**AGREED ORDER PERMITTING QUESTIONS FROM STAFF DURING HEARING ON  
THE MERITS**

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**Background**

This matter came before the Tennessee Regulatory Authority ("Authority") upon its own motion, for the commencement of a new generic contested case on the establishment of alternative Universal Service support mechanisms.

This matter was considered at a regularly scheduled Authority Conference held on May 13, 1997, at which time the Directors voted unanimously to: convene a new generic case proceeding to consider Universal Service, to set a pre-hearing conference, and to appoint Director Sara Kyle as Hearing Officer.

Subsequent to public notice, the first of two contemplated Pre-Hearing Conferences and one technical forum for this docket was held Monday July 28, 1997, at 1:00 P.M. This first Pre-Hearing Conference was held to:

1. Consider petitions for intervention,
2. Determine a statement of issues, and simplifying those issues, if appropriate,
3. Establish a discovery schedule and hearing date.
4. Recommend Conclusions of Law.

This Pre-Hearing Conference was conducted, pursuant to *T.C.A. 4-5-306*, in the Hearing Room at the Authority, 460 James Robertson Parkway, Nashville, Tennessee.

The second of the Pre-Hearing Conferences was held on September 23, 1997, to further refine and categorize the issues, and to determine if any issues could be the subject of a briefing process rather than requiring them to be subjects at issue at the Hearing on the merits.

### **Permission for Staff to Participate**

Upon acceptance of the Hearing Officer's Report, as Amended, the Authority scheduled a Technical Workshop for October 14, 1997. At the Workshop the Parties verbally agreed to allow the Staff of the Authority to participate in the Workshop, and assist in the redefinition of the issues and amendment of the case schedule discussed at the September 23, 1997, Pre-Hearing Conference.

### **Discussion**

The Phase 1 Hearing on the Merits in this docket is scheduled for the week of December 8 -12, 1997, in the Hearing Room of the Authority, 460 James Robertson Parkway, Nashville, Tennessee, before Chairman Lynn Greer, Director Sara Kyle and Director Melvin Malone. It appears to the Authority that there are highly technical issues in this case and in light of a prior Agreed Order entered in Docket No. 96-01152<sup>1</sup> permitting the Authority staff to ask questions during a case proceeding, the Parties hereby agree to the entry of this Order.

### **IT IS THEREFORE ORDERED:**

1. That members of the telecommunications staff shall be allowed to ask questions directly of the witnesses in this case proceeding.

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<sup>1</sup> 1. See the Agreed Order of October 25, 1996, In the Matter of the Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc., and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. Section 252.

2. That such questions will follow the Parties' direct and cross examination of a witness and will precede re-direct examination of a witness.

3. To the extent that the staff refrains from asking questions which tend to suggest the espousal of one Party's position over the other, the Parties have agreed that the staff's asking of questions does not remove them from the role of advisor and in no way creates the inference that the staff has become a Party to the proceeding. Further, the staff shall ask only for information that will enable them to better advise the Authority.

4. That any party aggrieved with the Authority's decision in this matter may file a petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

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CHAIRMAN

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DIRECTOR

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DIRECTOR

ATTEST:

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EXECUTIVE SECRETARY

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Company

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Company